

REMARKS

Each of the Examiner's rejections will be dealt with in turn.

Double Patenting

The Examiner has rejected claims 1-10 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,802,310. A terminal disclaimer has been provided along with this response.

Claims Rejections

35 U.S.C. 102 Rejection

The Examiner takes the position that claims 1-8 and 10 are rejected as being unpatentable over U.S. Patent No. 5,469,837 issued to Chiang. The Examiner takes the position that Chiang shows all of the claimed limitations. Reconsideration is respectfully requested for the reasons set out below.

The invention taught by Chiang is a kitchen range hood smoke exhauster equipped with a cleaning device. Housing 10 has an opening 11 and a motor 12 and a fan 13 disposed in the opening. An annular tray 20 is connectable to the opening 11 for collecting fluids draining down from the housing 10. The annular nature of the tray 20 allows air to be drawn in through the opening in the tray (and opening 11) and into housing 10. A grill 30 is connected to the annular tray 20.

The examiner has broadly interpreted grill 30 as the side wall of tray 20. Applicant respectively disagrees with this interpretation. A wall is defined in the Encarta Dictionary as a standing structure that surrounds or blocks. Grill 30 is comprised of a plurality of grill bars radially spaced about a central hub (basin 31). It is submitted that

a grill can not be considered to be a wall as that term is understood and used in the present application. Regardless, in order to further distinguish the claims of the present application from the tray 20 and grill 30 combination taught in Chiang, claim 1 has been amended as follows:

a tray having a perimeter side wall, a floor and a drainage hole, said perimeter side wall extending upwards from said floor, at least one air inlet opening being located in said side wall, said tray being releasably connected to and in abutment with said motor housing located below said opening in said bottom surface

Even if the grill 30 could be interpreted as a side wall, which the applicant submits it cannot, grill 30 does not extend upwards from the tray 20. In addition, claim 1 requires that the tray is "releasably connected to and in abutment with said motor housing". Grill 30 is connected to tray 20, not to housing 10. For the reasons set out above, it is respectfully submitted that claim 1 is patentable over Chiang.

The remaining claims 2-8 and 10 are ultimately dependent on claim 1 and are therefore also allowable. Nevertheless, claims 2 and 3 have been amended in order to further clarify the present invention. Claim 2 has been amended to add that "said tray projects through an opening in said bottom panel". The examiner has broadly interpreted the bottom flat portion of tray 20 as a "bottom panel". Grill 30 does not project through tray 20 such that the limitations in claims 1 and 2 of the present application relating to the tray and bottom surface are not taught in Chiang.

Claim 3 has also been amended to clarify that "said perimeter side wall extending from said floor and terminates in tray further comprises an annular ring, said annular ring connecting to said motor housing and having a horizontal portion extending radially

inward so as to be positioned below a portion of said fan." These limitations are not taught in Chiang.

35 U.S.C. 102/103 Rejections

The Examiner has rejected claims 1-10 as being anticipated or, in the alternative, as obvious over Chiang, Zhang, and Xu and/or Grant. Reconsideration is respectfully requested for the reasons set out below.

Grant (GB 2394540) was cited in applicant's international application no. GB0412292.5. The Grant patent was published on April 28, 2004 and is therefore not properly citeable against the present application, which was filed July 24, 2003. In addition, Mr. Yeung is the inventor of the invention that is the subject matter of the Grant patent.

The relevance of Chiang has been traversed above, and the reasons set out above are reiterated here. Applicant respectfully submits that the present claims are allowable over Chiang.

The Examiner has provided no explanation as to why or how Zhang and Xu would be combinable so as to arrive at the claimed invention. Applicant respectfully submits that combining the two would not be practical. Zhang teaches a range hood smoke exhauster having a fan and motor in a frame 31 designed to draw air from both sides of the axial flow type fan motor 3. The fan motor is encased in a bottom panel 4. Xu teaches the range hood style taught by Chiang – two motors and fans mounted within an exhaust hood enclosure (motor housing) which act to draw air through openings below the fans. There is no motivation to combine these references, and even if there were, doing so would not result in one skilled in the art coming directly and without difficulty to the invention claimed in the present application. Accordingly, it is respectfully submitted that the present claims are allowable over Zhang and Xu.

Claims Rejections – 35 USC 103

The Examiner has indicated under paragraph 8 of the Office Action that this application currently names joint inventors. Applicant respectfully submits that the examiner has mistakenly included this paragraph as there is only one inventor, Mr. Peter Yeung.

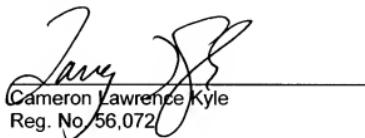
The Examiner has also rejected claim 9 as being obvious in view of Chiang. Claim 9 is a dependent claim and for the reasons set out above it is respectfully submitted that it is also allowable over Chiang.

CONCLUSION

In view of the above, the Applicant submits that the claims are in condition for allowance and respectfully requests that a Notice of Allowance be issued in this case. Should the Examiner have any questions related to the application, he is urged to contact applicant's attorney, C. Larry Kyle, at (604) 376-2490. Please note that our new docket number is 50075-42.

Date: June 30, 2006

Respectfully submitted,



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